

1 PETER GOODMAN
Attorney at Law
2 State Bar No. 65975
400 Montgomery Street, Second Floor
3 San Francisco, California 94104
Telephone: (415) 781-8866
4 Facsimile: (415) 781-2266
E-Mail: goodmanlawoffice@att.net

5 Attorney for Defendant
6 MICHAEL TOMADA

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION
10

11 UNITED STATES OF AMERICA,)	CR-14-0285 JST
12 Plaintiff,)	
13 vs.)	STIPULATION AND [PROPOSED] ORDER
14 JEREMY DONAGAL, et al.,)	VACATING DATE FOR CHANGE OF PLEA
15 Defendants.)	HEARING AND SETTING NEW DATE FOR
16)	HEARING
17)	

18 The United States of America, by its attorneys, Brian Stretch, United States
19 Attorney, and Assistant United States Attorney ("AUSA") Kevin Barry, and defendant
20 MICHAEL TOMADA, by his attorney, Peter Goodman, hereby submit this Stipulation
21 and [Proposed] Order requesting that the August 26, 2016, date currently set for the
22 defendant to enter a new plea in this matter be continued and that the change of plea
23 hearing be reset for September 9, 2016, at 9:30 a.m. The parties hereby stipulate and
24 agree to the following:

25 1. At the last calling of this case, the parties requested that the Probation
26 Department prepare a Pre-Plea Report calculating defendant TOMADA's Criminal
27 History Category ("CHC"). On August 19, 2016, USPO Jessica Goldsberry disclosed
28 a Modified Presentence Investigation Report finding that defendant TOMADA had six

1 criminal history points which placed him in CHC III.

2 2. With the information provided by USPO Goldsberry, the parties are
3 attempting to finalize the terms of the Plea Agreement in this matter but it may need
4 to be submitted and approved by AUSA Barry's Supervisor. The parties are therefore
5 requesting that the change of plea hearing be continued for two weeks to accomplish
6 that result.

7 3. The parties further stipulate and agree that time be excluded under the
8 Speedy Trial Act pursuant to 18 U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) from August
9 26, 2016, to September 9, 2016, to ensure the parties have adequate time to prepare.
10 The parties further stipulate and agree that the exclusion of time agreed to herein is
11 in the interests of justice and will serve to ensure effective assistance of counsel for
12 defendant TOMADA.

13 SO STIPULATED

14 DATED: August 25, 2016

15 BRIAN STRETCH
16 United States Attorney

17 By: /s/
18 KEVIN BARRY
19 Assistant United States Attorney

20 SO STIPULATED

21 DATED: August 25, 2016

22 /s/
23 PETER GOODMAN
24 Attorney for Defendant
25 MICHAEL TOMADA

26 ///

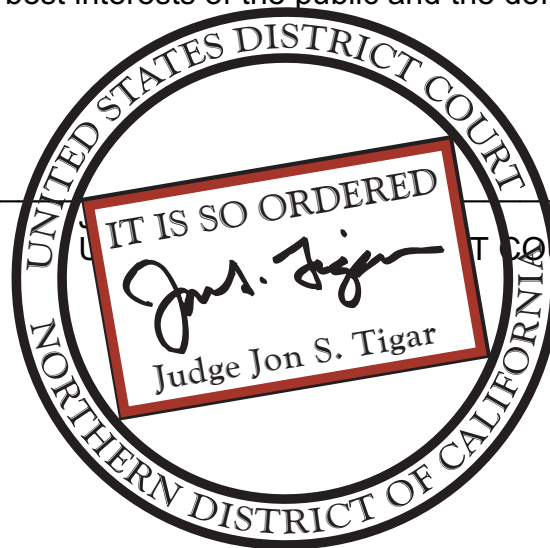
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1 **ORDER VACATING DATE FOR CHANGE OF PLEA**
2 **HEARING AND SETTING NEW DATE FOR HEARING**

3 Based on the stipulation of the parties and good cause appearing therefor,
4 IT IS HEREBY ORDERED that the August 26, 2016, date currently set for a change
5 of plea hearing in this matter be vacated and the matter be continued to September
6 9, 2016, at 9:30 a.m. for defendant TOMADA to change his plea. IT IS FURTHER
7 ORDERED that time be excluded under the Speedy Trial Act pursuant to 18 U.S.C.
8 §§3161(h)(7)(A) and (h)(7)(B)(iv) from August 26, 2016, to September 9, 2016, in the
9 interests of justice to ensure the parties have adequate time to finalize the terms of the
10 disposition in this matter. The Court finds that the ends of justice served by granting the
11 continuance outweigh the best interests of the public and the defendant in a speedy trial.

12 DATED: August 25, 2016



COURT JUDGE